

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



FILED

OCT 31 2008

CLERK, US DISTRICT COURT, WDNY

THE NEW YORK STATE REPUBLICAN
COMMITTEE; JOSEPH MONDELLO IN HIS
CAPACITY AS CHAIRMAN OF THE NEW
YORK STATE REPUBLICAN COMMITTEE;
ROBERT J. MATTHEWS,

Plaintiffs,

v.

TEMPORARY
RESTRAINING ORDER
08-CV-810A

THE NEW YORK STATE BOARD OF
ELECTIONS; ALICE KRYZAN; JON POWERS;
THE WORKING FAMILIES PARTY;
DANIEL CANTOR IN HIS CAPACITY AS
EXECUTIVE DIRECTOR OF THE
WORKING FAMILIES PARTY;

Defendants.

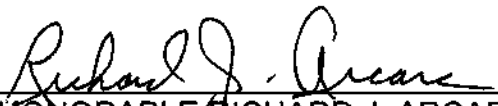
Upon the accompanying Affirmation of Paul DerOhannesian II, and Thomas Knab dated October 31, 2008, plaintiffs' Memorandum of Law in Support of their Motion for a Temporary Restraining Order, Complaint, and all other papers filed herein, and after hearing argument from the parties, for the reasons stated on the record on October 31, 2008,

IT IS HEREBY ORDERED that, sufficient reason having been shown therefore, pursuant to Rule 65 of the Federal Rules of Civil Procedure, pending the Court's resolution of this motion for preliminary injunction, this Court hereby temporarily restrains and enjoins:

- a. Enjoining the New York State Board of Elections from declaring Jon Powers ineligible to serve as a candidate for the Working Families Party in the 26th Congressional District and hence must remain on the November 4, 2008, ballot;
- b. Permanently enjoining the New York State Board of Elections, or anyone acting on their behalf or at their direction, from declaring, or purporting to declare, Jon Powers to be ineligible to serve as a representative of the 26th Congressional District or ineligible to continue as a candidate for such position in the 2008 general election;
- c. Permanently enjoin the New York State Board of Elections from certifying any candidate other than Jon Powers to appear on the ballot in the November 4, 2008 general election as Working Families Party nominee for the 26th Congressional District;
- d. Enjoining the Working Families Party from certifying or proposing any candidate other than Jon Powers to appear on the ballot in the November 4, 2008, general election as Working Families Party nominee for the 26th Congressional District;
- c. Enjoining the New York State Board of Elections from certifying a winner in the election for the 26th Congressional District until the Court decides this action;
- f. Grant such and further relief as this Court may deem just and proper.

IT IS FURTHER ORDERED PERSONAL SERVICE OF A COPY OF THIS Order together with the supporting papers upon which the same was granted, by overnight mail or facsimile upon the Defendants, or their counsel on or before November 1, 2008 shall be deemed good and sufficient service of this Order.

IT IS SO ORDERED.


HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: October 31, 2008

10:25 PM